

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-378-MOC  
3:12-cr-13-MOC-DCK-6

OTIS SUTTON, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )  
 )

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ORDER

**THIS MATTER** is before the Court *sua sponte*.

Petitioner filed a Motion to Vacate pursuant to 28 U.S.C. § 2255 in the instant case in 2016 [Doc. 1]. The case was stayed for several years pending developments in the case law. [Docs. 6, 15, 18, 21]. Most recently, the case was stayed pending the Fourth Circuit's consideration of Case No. 20-6578. [Doc. 21]. The United States had 30 days following the Fourth Circuit's issuance of its mandate in Case No. 20-6578 to file an answer, motion, or to otherwise respond to the Motion to Vacate. [Id.].

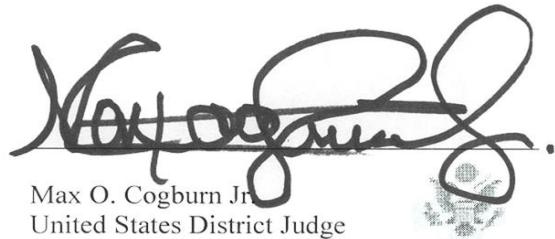
The Court's independent review of the record reveals that the Fourth Circuit decided Case No. 20-6589 on March 22, 2022, and issued its mandate on May 16, 2022. United States v. Ogun, 2022 WL 843899 (4<sup>th</sup> Cir. March 22, 2022); [20-6589, Doc. 69] (Mandate).

As the Fourth Circuit has now resolved Case No. 20-6578 and issued its mandate, the Clerk will be instructed to lift the stay. The time for the United States to respond to the Motion to Vacate has expired. The United States shall show cause, within 10 days of this Order, why Petitioner's Motion to Vacate should not be granted.

**IT IS, THEREFORE, ORDERED** that

1. The Clerk of Court is instructed to lift the Order of Abeyance [Doc. 21] and reopen this case.
2. The Respondent shall answer or otherwise respond to the Motion to Vacate within **ten (10) days** of this Order.

Signed: July 21, 2022



Max O. Cogburn Jr.  
United States District Judge